



**JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA  
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:  
DECEMBER 8, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- PLEDGE OF ALLEGIANCE

**MINUTES:**

PRESENT: MAYOR GOODMAN (excused after 2:09 P.M.) and COUNCIL MEMBERS REESE, BROWN, L.B. McDONALD, WEEKLY (excused after 2:24 P.M.), MACK, and MONCRIEF (excused after 2:23 P.M.)

PRESENT: PLANNING COMMISSION CHAIRMAN TRUESDELL, VICE CHAIRMAN NIGRO, MEMBERS GOYNES, EVANS, McSWAIN, and DAVENPORT

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY MANAGER BETSY FRETWELL (excused after 2:24 P.M.), CITY ATTORNEY BRAD JERBIC, and CITY CLERK BARBARA JO RONEMUS

ANNOUNCEMENT MADE – Meeting noticed and posted at the following locations:

City Hall Plaza, Posting Board

Court Clerk's Bulletin Board, City Hall

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Parkway

(12:01 – 12:03)

**1-1**

MAYOR GOODMAN led the audience in the Pledge.

(12:03)

**1-40**

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**DECEMBER 8, 2003**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

Discussion regarding Planning Commission and City Council roles in the development process

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

**RECOMMENDATION:**

No recommendation

**BACKUP DOCUMENTATION:**

None

Submitted at meeting - PowerPoint presentation regarding Planning Commission and City Council Differences and Similarities

**MOTION:**

None required

**MINUTES:**

ROBERT GENZER, Director of Planning and Development Department, thanked all the members of the Council and Planning Commission for participating in this meeting to provide staff with input and direction. The issues being brought forward are a result of questions that have been raised by both the Planning Commission, mostly through its newer members, and from the Council itself.

MR. GENZER reviewed the PowerPoint presentation submitted regarding the differences between City Council and Planning Commission. The City Council is an elected body that serves at the pleasure of the constituency and members represent both the constituency of a specific Ward as well as overall for the entire City. The Planning Commission is an appointed body that serves at the pleasure of the City Council and members represent their own opinions and experience. The Council holds greater discretion to address issues by way of adopting or amending land use laws. The Planning Commission must make its determinations based upon the laws adopted by the Council. The Planning Commission is mostly advisory to the City

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Item 1 – Discussion regarding Planning Commission and City Council roles in the development process

**MINUTES - Continued:**

Council, although there are limited matters where the action may be final. The Council has final action authority and any appeal would have to be by way of a lawsuit.

The Planning Commission is there to validate or invalidate staff's recommendation. Those recommendations are based upon the Municipal Code and what are believed to be appropriate planning principals. The Planning Commission makes determinations as to the recommendation after hearing arguments for and against a project. The Council then reviews the staff recommendation through the staff report as well as the Planning Commission recommendation before making a final decision. At the Planning Commission level, political issues and economics may not be considered in regard to land use decisions. The City Council may consider land use issues, political matters and economic arguments when making a land use determination.

The two Boards are similar in the need to know City codes, rules under which the meetings are conducted and the Chair controls each meeting. It is important that decisions be reasonable, rational and consistent rather than arbitrary or capricious. Counsel is present at both meetings to provide advice as necessary. Comments and votes taken are on the public record. That is especially important during a contentious process that could end in court. Both bodies are respectful to colleagues, staff and the public.

MAYOR GOODMAN expressed the City Council's deep gratitude for the service of the Planning Commission, acting as the front line for the constituents. Members contribute a lot of time, a careful thought process, respectful treatment of the public and provide significant recommendations. Because the bodies serve different functions, the recommendations of the Planning Commission and/or staff are not always followed, but that does not lessen the gratitude. The tremendous service helps provide the best possible quality of life for the citizens.

There was no further discussion.

COUNCILMAN BROWN requested the recall of Item 1 to allow the Planning Commission members to discuss their individual beliefs as to their role and responsibilities. He then requested the Councilmembers individually state their interpretation of the Commissioners' roles and responsibilities. The purpose of putting everyone on the spot is because the greater everyone's understanding of the other's perspective, the better the working relationship.

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**MINUTES - Continued:**

MAYOR GOODMAN requested that each member, beginning with CHAIRMAN TRUESDELL explain their understanding of their role. He outlined his own expectation is that the Planning Commission lends an expertise beyond the sphere of knowledge of the Council, to rely on them to filter out non-relevant issues, to rule from a technical stance and to leave the Council to rule from a political stance. He views the Commission and staff working very closely together, making valuable recommendations, but the ultimate decision rests with the Council. In order to make those decisions, he reads the backup and will even view the video of the long meetings when necessary. He then excused himself in order to attend the Las Vegas Centennial Executive Committee.

COUNCILMAN BROWN advised that his service on the Planning Commission immediately followed his attendance as a neighborhood advocate. COMMISSIONER BLACK, ROBERT GENZER, Director of Planning and Development Department, and JOHN McNELLIS, then with Planning and Development Department, taught him about the development process. The enlightening experience taught him that the Planning Commission sets the public record and the table for the final decision, most usually by the City Council. Decisions can be and inherently are political. The most difficult part is to get through the controversy and the hype and concentrate on creating that invaluable public record.

CHAIRMAN TRUESDELL concurred that the Planning Commission creates the record, elicits public input, defines staff perspective and puts a community face on technical issues. Doing so allows the City Council to make better final decisions. In doing a good job, Planning meetings run longer and Council meetings are shorter. Many times the Planning Commission hearing is a citizen's only involvement in speaking about their neighborhood. The City does the best job out of all the local entities in allowing the public's voice in a public venue.

COUNCILMAN REESE outlined his experience and the honor of serving on the Board of Zoning Adjustment and the Planning Commission. He researched items on the agenda, including contacting neighbors, to evaluate the huge planning process and its impact on the community. Most of the time the recommendations of the Planning Commission were followed and made a difference. As a Councilmember, he continues to appreciate the input of the Planning Commission and staff. For example, he learned the proper criteria for reviewing General Plan Amendments. Unfortunately, the City has gotten away from requiring applicants to justify such amendments.

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**MINUTES - Continued:**

COUNCILWOMAN McDONALD pointed to her appointment of LAURA McSWAIN on the Planning Commission as the prototype of a Planning Commissioner. COMMISSIONER McSWAIN is always thorough, prepared, fair and balanced with no spin. The Planning Commission members should be impartial and render objective decisions based on their own opinion. Sometimes the Council must chart a different course as the duly elected representatives for a specific Ward.

COMMISSIONER NIGRO expressed his pleasure in serving on the Planning Commission for a year and a half. The Planning Commission gathers input and makes recommendations for use by the City Council on a particular item. It is the first opportunity for the public to express their opinion. Shortening the meetings would be a wonderful thing, but it is more important for the recommendations to be relevant. He concurred with COUNCILMAN BROWN that these joint meetings are very beneficial. Sometimes the code has yet to catch up with the policy being set by the Council. Being aware of that allows him to make recommendations that close that gap.

COUNCILWOMAN MONCRIEF stressed that each Planning Commissioner brings a different viewpoint and knowledge. She admires their decisions and utilizes their input when making her decisions. Whenever there is a deviation, it is in order to stand by the constituents. She offered an apology for any mistreatment by the constituents of her Ward.

COMMISSIONER GOYNES echoed the belief that the discussion at Planning Commission frequently resolves issues before the Council meeting. Planning Commissioners are listeners who also educate the community about the planning process. Being able to effect a change at the Planning Commission stage, which is ratified by the City Council, goes a long way toward credibility for both boards and refutes the belief that the outcome is a predetermined guarantee. It is the role of a Commissioner to be a visionary, listener and a resource for the district.

COUNCILMAN WEEKLY again thanked the Planning Commission for their efforts in representing their expertise for the entire City. He frequently watches the Planning Commission meetings in order to hear public input prior to the Council meeting. This meeting was beneficial and he would like to see them continue in the future. He would also like to see the Commissioners take more active roles outside their individual Wards, particularly in the older areas of town. Many times developers do not take the same care in the older areas compared to their projects in newer areas. He then excused himself to attend the Las Vegas Centennial Executive Committee.

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**MINUTES - Continued:**

COMMISSIONER McSWAIN thanked COUNCILWOMAN McDONALD for her kind words and ongoing support. It has been an honor to serve Las Vegas through this board. This board should not be political and encourages dialogue. The City Council does have to serve a more political role. She cited a sign application as an example of how her opinion stands without worrying about being the last line or final answer.

COUNCILMAN MACK agreed that serving on the Board of Zoning Adjustment and Planning Commission gives a Council member insight as to the commitment of those serving on those boards. The time commitment saves time at the Council level. Having his Planning Commissioner involved in post Planning Commission meeting briefings provides input before going into the Council meeting. That has been a great asset and every tool that can be used in the process benefits everyone.

COMMISSIONER EVANS stated he had very little to add. The Planning Commission acts as a dress rehearsal for City Council. Many times the Planning Commission requests developers and neighbors to work together, resulting in a better project coming before City Council. He thanked MAYOR PRO TEM REESE for giving him the opportunity to serve on the Planning Commission. It has given him a voice to hopefully make the community better. All those that serve have a passion for making the community better for our children in the future.

COMMISSIONER DAVENPORT concurred that the Planning Commission brings expertise and experience, but thanked staff for their assistance in guiding him on what they are supposed to be doing.

COUNCILMAN BROWN thanked MR. GENZER and all the staff members that make the system work behind the scenes.

(12:03 – 12:10/2:05 – 2:31)

**1-53/2-1252**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

Report and possible action on changes to agenda, policies and procedures to reduce the length of Planning Commission and City Council meetings

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

To examine policies and procedures needed to reduce the length of Planning Commission and City Council meetings.

**RECOMMENDATION:**

No recommendation

**BACKUP DOCUMENTATION:**

1. PowerPoint presentation
2. Sample Planning Commission Agenda

**MOTION:**

**REESE – Motion to allow the Mayor to place citizens participation at the beginning of the AM and PM Sessions of the City Council and the Chairman to do the same for the Planning Commission, that the Planning Commission and staff continue to work to identify and incorporate recommendations and that the Planning Commission and/or staff report to the Council any such recommendations that are successful for possible implementation at the Council meetings - UNANIMOUS**

**MINUTES:**

DAVE CLAPSADDLE, Planning and Development Department, introduced some ideas on how to make the Council and Planning Commission meetings faster, more efficient and still provide a forum for applicants and citizens to speak. He reviewed a PowerPoint presentation outlining the issues addressed at Commission meetings. The agenda and procedures can be set to streamline the process. Routine items, even though not consent items, could be heard and acted upon with one vote. Likewise, public hearing items could also be bundled for more efficient handling. The third slide outlined formalizing the briefing process of announcing abeyance/withdrawal items. Similarly, all vacations could be bundled together. Applications of a similar nature that carry a staff recommendation for approval and written commitment of the applicant to the conditions

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Item 2 – Report and possible action on changes to agenda, policies and procedures to reduce the length of Planning Commission and City Council meetings

**MINUTES - Continued:**

proposed could be heard in a grouping. Public comment would still be taken and any item where there was a serious issue could be separated for an individual public hearing.

MR. CLAPSADDLE stressed that this bundling would not include any rezonings or general plan amendments. Any public hearing item would not be considered routine and would be handled as they are today. He referenced the sample Planning Commission agenda as it would appear if these suggestions were adopted. There may be other time saving efforts. For example, the manner in which related items are introduced could be handled in a more efficient manner. The time limit for speaking could be reduced and enforced. Establishing longer speaking times for spokespersons and shorter speaking time for those following the spokespersons.

There are potential code changes that could be investigated. Perhaps special use permits could be changed to final action at the Planning Commission. Reducing the number of special use permits by different handling of routine items, such as hot dog vendors. Staff is researching commercial design standards and to provide for administrative approval of minor waivers to the standard to reduce the load on Council and the Planning Commission. These streamlining suggestions might provide greater time to focus on the tougher applications. The length of the meetings do not serve anyone as both the members and the audience are tired by the time they reach the more controversial applications.

COUNCILMAN REESE discussed with MR. CLAPSADDLE his feeling that every special use permit in his Ward should come before him. DEPUTY CITY ATTORNEY BRYAN SCOTT clarified that even after a final determination by the Planning Commission, the Council has the ability to call the item forward before the City Council. MAYOR GOODMAN requested an explanation for why Planning Commission meetings take longer than the afternoon Council meetings. MR. GENZER explained that the Planning Commission is the first opportunity to voice objections. Part of the role of the Planning Commission is to ensure that the item before the Council has been condensed. Also, attendance is greater in the evening versus the City Council afternoon meeting. MAYOR GOODMAN directed staff to do a comparison with North Las Vegas, who has exceedingly short meetings, and brief him on their findings.

COUNCILWOMAN McDONALD pointed out that many times a considerable amount of work is done between meetings, resolving issues.

COMMISSIONER GOYNES outlined the process in North Las Vegas where speakers must submit their request in advance. However, there has been a lot of discussion regarding that process. This Planning Commission does try to provide the public with as much time as necessary to speak. That is time consuming, but a good policy. COMMISSIONER NIGRO



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**MINUTES - Continued:**

indicated his experience with the County and North Las Vegas and the similarities between those meetings and MR. CLAPSADDLE'S suggestions. Frequently they can complete a significant portion of the agenda very quickly using that one action/one vote process on routine items.

COMMISSIONER McSWAIN commented that she supported the bundling concept and her finding of the County meetings as intimidating. There is also the problem with repeated abeyance requests and a need to monitor and evaluate these situations. COMMISSIONER EVANS urged exploration of time limitations being imposed on the applicants. The written information submitted should be part of the record. It would be beneficial for both the applicant and citizens to be briefer and more to the point, subject to legal propriety.

MAYOR GOODMAN responded that the limitations have been discussed and discretion rests with the Chair. DEPUTY CITY ATTORNEY SCOTT agreed that even applicants should be cut off when they begin to be redundant or repetitious. MAYOR GOODMAN stated that he had never heard a complaint that people have not been allowed to speak. Most comply with the time limits imposed. There is a bundling of abeyance type requests at the Council meetings. His sympathy rests with the Planning Commission and the people attending their meetings. The Council meetings are not overly burdensome.

MR. GENZER noted that staff makes a full presentation of every item at the Planning Commission. At Council, the presentation is handled through a briefing process involving ward-specific information and contentious applications. MAYOR GOODMAN suggested a similar briefing process. MR. GENZER stated that staff can only brief the Chairman at this time. To brief the entire Planning Commission, it would have to be posted as an open meeting. If that is the direction given, staff will investigate the possibility.

COUNCILMAN MACK commented that he enjoyed the staff presentation as a Planning Commissioner. There are significant applications and the presentation would be helpful.

COUNCILMAN BROWN confirmed with DEPUTY CITY ATTORNEY SCOTT that conditions of approval do not require acknowledgement by the applicant and whether written acknowledgement could be worked into the process. DEPUTY CITY ATTORNEY SCOTT addressed the Nevada Revised Statute text regarding an applicant's inability to challenge conditions once agreed to on the record. The effect of prior approval may or may not have the same in terms of a challenge.

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**MINUTES - Continued:**

DEPUTY CITY ATTORNEY SCOTT explained the legal problems with one action/one vote. It would be essential that each item would still be read into the record, items would have to be identified as final actions or going onto Council and identifying those items pulled off for public discussion. That would inform the public as well as the Council in the event they wished to pull a final item forward before Council. The City Clerk also had concerns regarding record keeping under that process. CITY CLERK BARBARA JO (RONI) RONEMUS expressed the concerns with precision minute taking. A full and complete record is created and available if and when the City Attorney needs it for court. Bundling may address streamlining, but adversely impact the clarity of detail. MAYOR GOODMAN countered that litigation would necessitate a transcript. CITY CLERK RONEMUS replied that there are very few verbatim transcripts from Planning Commission and those done are requested by legal counsel. Minutes are done for both meetings. DEPUTY CITY ATTORNEY SCOTT explained that transcripts can be obtained by anyone, so long as the requestor pays for the transcript. He would not oppose shortening the meeting so long as the same effect remains.

MAYOR GOODMAN verified that both meetings are videotaped and the legal implication. DEPUTY CITY ATTORNEY SCOTT responded that the standard is a written record so that the judge would not have to sit through the entire videotape. Excerpts of the transcript is usually also incorporated into the legal brief to demonstrate the Council's substantial evidence for the decision made. CITY CLERK RONEMUS advised that Nevada law does not require a video record of a meeting. It does require an audio record, such as is being created today. Those audiotapes are available to the public during their statutory one-year retention period. After the Clerk's three-year retention period, the tapes may be destroyed. The permanent record is the minutes.

CITY CLERK RONEMUS stated that the City must be cautious and the Open Meeting Law requires agendas to fully inform the public. Advertising information on the agenda as to bundling, final action, going onto Council and other streamlining efforts are acceptable so long as the public is informed and has an opportunity to be heard. However, public input could be restricted if such efforts caused confusion. DEPUTY CITY ATTORNEY SCOTT replied that the confusion should be prevented by reading each item even when bundled together.

COUNCILMAN MACK pointed out that during his tenure as a Planning Commissioner board members were appointed as Ward representatives. Now each Commissioner has input on every item. Perhaps there would be a way to cut down on that input. COMMISSIONER McSWAIN expressed her appreciation for the range of expertise on the Planning Commission that helps her while considering an application.

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**MINUTES - Continued:**

COMMISSIONER NIGRO questioned the vehicle that allows bundling of consent items without individual readings that does not apply to bundling public hearing items. DEPUTY CITY ATTORNEY SCOTT answered that many of the same steps would be taken that are taken with the consent items. The consent items are not individually read because they are not public hearing items and are open for public comment only at the discretion of the chair. CHAIRMAN TRUESDELL suggested that bundling of some non-public hearing or public hearing housekeeping issues could be a good meeting shortening technique. The County town board meetings do not function well, but provides constituents an early opportunity to speak and clarify the application at a non-developer driven meeting. This first meeting for the City where the full staff presentation is made occurs at the Planning Commission in order to prevent lengthy Council meetings. Many times the Planning Commission meeting is the only time the speakers attend. Planning Commissioners reducing their commentary but still allowing the public input will create a more concise record for the Council.

COUNCILMAN WEEKLY countered that he does not brief with his appointment to the Planning Commission, relying on the individual's expertise but knowing that the final responsibility rests with him as the elected official. Comments by other Commissioners have been very helpful. He has been particularly appreciative of some of CHAIRMAN TRUESDELL'S comments regarding projects in his Ward.

MAYOR GOODMAN advised that the Reno City Council holds citizens participation at the beginning of the morning and beginning of the afternoon session. He requested input on that idea. COUNCILMAN REESE responded that doing so would enable speakers to be heard by more than just the Council. Many times it would be beneficial to have a greater audience for the comments made. MAYOR GOODMAN suggested trying the alternative.

AL GALLEGOS, citizen of Las Vegas, suggested a few changes as to agenda notification. He summarized a situation where he picked up an agenda that did not match the final agenda. On the final agenda, an application that he was interested in had been deleted. He checked the posting sites, experienced difficulty in locating the documents on the posting sites. The plaza posting board should be relocated to the second floor off the parking garage access. The Clerk has a lot of work to do, but steps should be taken to make things clearer for the public. He had a concern with agendas being removed too quickly or never posted since they cannot be found. DEPUTY CITY ATTORNEY SCOTT explained that the agenda had a numbering error that had no effect.

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**MINUTES - Continued:**

MR. GENZER requested concurrence from the Planning Commission that staff work with the City Attorney and City Clerk's offices to make the discussed changes, perhaps for a trial period of two or three meetings. COUNCILMAN REESE added that the comparison to other entities is difficult without knowing all the parameters. The existing process allows the Chairman to run the meeting as appropriate. It has been his experience during his service on both the Council and Planning Commission that the citizens attending the meetings get their civic opportunity. Although he extended his sympathy to the Planning Commission and staff for the length of the meetings, they are necessary.

There was no further discussion.

(12:10 – 12:56)

1-285

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DECEMBER 8, 2003**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

History of meetings held pertaining to the development approval process

**RECOMMENDATION:**

Six recommendations proposed by staff

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. The City Manager's Information Report, CMIR-009.01
3. The Planning Department memo "Conditions of Approval" dated July 21, 2003
4. Material presented at the October 15th meeting with the development community
5. Chapter 19.12.030A.4, "Landscape Required", from the Zoning Code
6. Estimated improvement costs of a 20' wide trail from the Trails Element of the Master Plan Submitted at meeting – hard copy of PowerPoint Presentation

**MOTION:**

**REESE – Motion to implement the proposed modifications to the development process as recommended and incorporate staff investigating a development district or other performance bonds - UNANIMOUS**

**MINUTES:**

DOUG RANKIN, Council Liaison, explained that there was an Ad Hoc Committee over the summer consisting of various City staff and the Homebuilders Association of Southern Nevada and its members. The concern was that the site plan and building review approved by Council and Planning Commission was not necessarily what was built. Walls become double walls or change in character and planned landscaping is not installed. This may occur because engineering of the site occurs at the final map stage. Things change as the plan moves from two-dimensional to three-dimensional. MR. RANKIN introduced DAVE BRATCHER.

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Planning and Development Department

Item 3 - Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

**MINUTES - Continued:**

MR. BRATCHER reviewed a PowerPoint presentation on the conditions of approval, performance bonds, installation and maintenance of landscaping for two years, identified issues, existing development process, proposed solutions, modifications to civil plans, process modifications and review of the hidden costs of conditions. Meisenheimer Avenue is a prime example of a drainage study modifying the plan, resulting in a no-man's land without landscaping. Staff recommended changes caused by required studies be the subject of a review of condition, although it adds time to the project. Staff believes that a few changes would allow for the existing developer environment while providing fair and equitable treatment.

A post approval conference would ensure a staff review that all conditions are complied with after the engineering studies. Any not met would come back before the Council as a review of condition. That could result in a two-month delay before the project got back on track.

COUNCILMAN MACK stressed the frustration resulting from a lack of compliance to conditions imposed. Using the bond process as a model for this separate process would be a good mechanism to keep control in the hands of the Council.

COUNCILMAN BROWN discussed with MR. BRATCHER the zero cost and impact on resources and time of the post approval option. Staff attempts to use this proposed process now and this would formalize what has been informal to date. Many conditions do not clarify the stage at which it is required or, such as landscaping, does not require a permit at all. The suggestion addresses issues raised back in 2001. No additional staff would be required to do the necessary inspections. COUNCILMAN BROWN questioned the response from the development community. MR. BRATCHER replied that they oppose extending the process for any project. The last slide addressed the hidden costs and impact caused by the engineering process. The developers' own engineers agree away those developers that their portion of the process needs to be addressed earlier. Homebuilders recognize that the City intends to make formalized changes to create a clear record.

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Item 3 - Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

**MINUTES - Continued:**

COUNCILWOMAN McDONALD asked about the mechanism for inspections to insure compliance even two or three years after construction. MR. BRATCHER pointed to bonding and imposing a requirement for a landscape plan separate from the civil plan as one step. In addition, there are trained Code Enforcement officers who can respond where trees or landscaping is removed. Violations must be corrected or the property owner may seek a review of condition. MAYOR GOODMAN noted that staff relies on citizen policing. DEPUTY CITY ATTORNEY TOM GREEN and MR. BRATCHER informed MAYOR GOODMAN that the performance bond is generally one percent of the construction costs and stays in place for two years. The City can require that the bond be renewed.

COMMISSIONER EVANS protested that the only mechanism for insuring that a developer maintains landscaping is the citizenry. The inability to insure compliance is a serious concern of his. MR. BRATCHER confirmed that there is no staff of inspectors to follow up, but Neighborhood Services does have a staff of 12 Code Enforcement Officers who do a great job of inspection. They not only investigate landscaping violations, but violation of conditions involving balloons, banners and other restrictions. The civil process does take time to obtain resolution. COMMISSIONER EVANS added that homeowner associations and master planned communities self-police. It is the older areas of town where the problem is the greatest. MR. BRATCHER added that code changes in 1997 included standards and conditions to be imposed because of the problems found in older areas.

CHAIRMAN TRUESDELL noted that the Planning Commission approves applications subject to the plans presented. The long-term maintenance is something to be sensitive to, but situations like the no-man's land is a separate issue. There should be a vehicle for staff to either work with the developer or to bring it back for a review of condition. MR. BRATCHER indicated that he infrequently requests Public Works place a hold on a bond. The gap sometimes occurs because the land changes hands or because of the use of subcontractors who are unaware of the conditions. The inspection process would allow staff to trigger reestablishing that information over the six to eighteen months of construction.

COMMISSIONER NIGRO pointed out the limited engineering done at the time of the site development plan review and asked the criteria for evaluating a substantive change. The height and manner of construction of a block wall can dramatically impact the appearance of a project. He suggested that a baseline be designed for a block wall or landscape planter. MR. BRATCHER rejoined that a block wall plan, with associated cross sections, is part of the site review process. During review of the civil plans, there would be a comparison with that block wall and landscaping plan.

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Item 3 - Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

**MINUTES - Continued:**

STEVEN QUINN, citizen of Las Vegas, clarified that the bond is typically one percent for one year versus a construction bond that would stretch the entire period estimated for construction. There would be an annual premium for the multiple year construction bond.

COUNCILMAN MACK supported the concept of a performance bond and requiring the bond be transferred to a homeowners association for the maintenance of landscaping.

MR. BRATCHER reiterated that the proposed changes would include block wall elevations prior to the civil process, require permanent landscaping and irrigation plans during the process for comparison prior to construction and determine acceptable treatment of median areas. Some areas have upgraded medians and others cannot be upgraded due to drainage issues. Staff would like to see something more decorative than concrete, perhaps cobblestone.

AL GALLEGOS, citizen of Las Vegas, requested the members drive up Washington to see an example where nice landscaping was installed at the end of construction, but has not been maintained. He cited a location at Las Vegas Boulevard and Lake Mead where upscale, mature landscaping has been installed. North Las Vegas is doing well with their projects.

SUSAN SANDERS, Molasky Group, supported greater staff authority on engineering items such as vacations. If it could be arranged under Nevada Revised Statutes, perhaps they could be handled administratively as they are in other states. Permits are not issued for any project that does not meet substantial conformance and developers are then required to seek a review of condition. It would be unfair to lengthen the process for those developers who make sure they are in substantial conformance. All bonds are one percent or less for a year and stay in place until they are exonerated by the City. There is no automatic void. It would not be fair to move that to a homeowners association and not all developers build a planned community with such an association. She would suggest a maintenance district as an alternative.

MARGO WHEELER, Deputy Director of Planning and Development Department, concluded that much of the time spent on this issue has involved new development in the West and Northwest. The bonding for public improvements has been a particular issue in older areas, such as downtown and developed areas, as well. Developers downtown are required to build all of their own sidewalk, streetscape, underground utilities and make alley improvements, even if they have only 25 feet of frontage. That requires a great deal of infrastructure money for a project



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Planning and Development Department

Item 3 - Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

**MINUTES - Continued:**

and raises long-term maintenance issues. Staff does not have a conclusion, but is seeking direction to research a solution on allowing developers of developed areas to pay into a fund for their portion of a block's improvement. The improvements are then done as one rather than in segments when the entire block develops at a later date.

COUNCILMAN REESE expressed his appreciation for the discussion held. The City needs more employees to make sure developers comply with the conditions they agree to. Unfortunately, they sometimes agree to the conditions because they know that no one will check it later. COUNCILMAN REESE moved to follow staff's recommendations. COUNCILMAN MACK requested that the motion incorporate staff investigating a development district or other performance bonds.

There was no further discussion.

(12:56 – 1:29)

**1-1999**

**JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA  
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:  
DECEMBER 8, 2003**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

Report and possible action pertaining to policies regarding open space and park definitions, purpose and waivers and/or variances thereto

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

1. To clarify issues pertaining to dedication of open space and contribution to public parks.
2. Discuss policy options.

**RECOMMENDATION:**

No recommendation

**BACKUP DOCUMENTATION:**

Outline of topics

Submitted at meeting – PowerPoint presentation Open Space Challenges

**MOTION:**

**REESE – Motion directing staff to research a different way to calculate open space, including but not limited to tying the amount of open space to density and lot size; research creating minimum lot size and open space dimensions in R-PD developments; create or revise standards providing for public open space, a higher fee in lieu of open space, target monies for specific park or community areas and creation of a public open space fund as recommended - UNANIMOUS**

**MINUTES:**

DAVID CLAPSADDLE, Planning and Development Department, and JOHN McNELLIS, Deputy Director of Public Works, outlined the three goals for the discussion. There has been confusion between open spaces versus parks. There is a question whether the standards being used are still valid. Lastly, staff will make a presentation on possible solutions. MR. CLAPSADDLE reviewed the Power Point presentation identifying definitions, calculations for open space and the importance of open space for livability. Open space in R-PD developments, given their increased density, is critical and cannot include left-over land which is not actually

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER 8, 2003

Planning and Development Department

Item 4 - Report and possible action pertaining to policies regarding open space and park definitions, purpose and waivers and/or variances thereto

**MINUTES - Continued:**

usable. He pointed to open space by way of setbacks in older communities. On the other hand, open space does not require turf, especially in these drought-tolerant times.

MR. CLAPSADDLE included a summary in the presentation of two examples of open space variances recently granted by the Council at Rio Vista/Azure and Lone Mountain/Gowan/Gilmore. These variances were granted based on the developer providing for contribution to a nearby City park or construction of programmable park space. The project at Rome/Riley/Deer Springs/Montecito Parkway demonstrates the flexibility that can be used to meet the open space requirement. The cluster project at Washington/Robin incorporated open space in the entry feature and provides a trail all the way around the project. Lynbrook utilized the same entry feature approach along with radial streets to avoid a grid development.

The City may want to consider an amenity zone similar to that in Town Center, between the street and the lots. There could be a minimum dimension to the open space size that would partially alleviate the problem. MR. CLAPSADDLE referenced the Spring Mountain Ranch project as a newer cluster-style development with very high density. If the final product is not what was envisioned at the time of approval, the process needs to be adjusted to avoid the same result in the future. His final example was the Lone Mountain project where the developer installed a pool, paseos, walkways throughout the development to reach the pool and an excellent use of grading to avoid the canyon-effect.

Open space variances do equal a land cost. The City requires \$4 per square foot for the open space not provided under such variances. Public Works will address whether or not that amount is sufficient. There are additional social costs as to the livability of the project in the future. The payment in lieu of open space is not justification for the variance.

MR. CLAPSADDLE concluded with comments that open space is still necessary, despite the 32 open space variances granted since October 2002. Since every request not tabled was granted, the code may need to be modified for a different manner of calculation. Perhaps a fund could be created to build open space instead of parks and the fee should be increased. Lastly, monies could be specifically targeted.

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Planning and Development Department

Item 4 - Report and possible action pertaining to policies regarding open space and park definitions, purpose and waivers and/or variances thereto

**MINUTES - Continued:**

MAYOR GOODMAN agreed that open space is imperative to quality of life, although the drought situation demands a practical equation as well as a change in the type of open space. He then asked how the 1.65% calculation was determined. MR. CLAPSADDLE replied that staff researched other jurisdictions around the country as well as locally. At one time open space was based on square footage of land and density was not a factor. The formula was implemented when R-CL products were the norm. With an increase in the average lot size within new development proposals, that is the process used to get to the figure.

COMMISSIONER GOYNES summarized his pet peeve with developers maximizing units at the cost of open space. Open space is for quality of life and entry features are not truly useful. Projects nearby or adjacent to parks or schools try to use that space in exchange for open space. MAYOR GOODMAN pointed out that the financial contribution is a separate issue from providing open space.

COUNCILMAN BROWN noted that the 1997 code change referenced by MR. BRATCHER was a result of the R-CL projects submitted and the corridor effect of the block walls. The code change has been very productive. However, the City is seeing many more master planned communities and turf being discouraged. With the reduction of turf, the demand on public facilities will be greater and greater. Having 32 variances granted does send a signal that the system needs to be fixed. As for the infill projects, flexibility is critical. Residential development is now taking place even on section line intersections. He cited Alexander and Durango as an example of where residential development was possible given City flexibility. Likewise, infill projects adjacent to Bunker and Garhime Parks were allowed to contribute to those parks rather than provide open space. The development community has responded each time the City has asked them to change the way they do business. Before making such a change, all those involved need to recognize the need for flexibility rather than a blanket policy. The current fee may need to be increased to create equity, but the developers will ultimately buy in.

COUNCILMAN MACK opined that many of the open space variances occur in the Northwest because the pocket parks are under utilized due to the large backyards associated with low-density projects. He would support targeted funds for a specific area. As to open space in higher density projects, the Council has held firm and he would support continuing in that direction. Equity is critical and the City might want to consider making a connection with density.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER 8, 2003

Planning and Development Department

Item 4 - Report and possible action pertaining to policies regarding open space and park definitions, purpose and waivers and/or variances thereto

**MINUTES - Continued:**

COMMISSIONER NIGRO expressed his appreciation for the comments by the Council members. His concern would be that a fee alternative would encourage open space variances. The original fee alternative was because there was existing open space requiring improvement where the residents lived. The alternative does not enhance livability. However, he would support creativity over strict formulas. COUNCILMAN BROWN agreed that the variance process exists to address extenuating circumstances. His example was a project that did not need a 9-acre internal park where the project was across the street from a 30-acre City park. The 5-acre reduction and amenity constructed at the park was a commonsense compromise that benefited the entire region.

COUNCILMAN WEEKLY requested that any motion include an increase in the open space requirement in higher density projects. The Washington/Robin project previously used as an example is a mess today and would not have been approved given today's knowledge. The City needs to make sure that there is more open space to provide for the children brought into the neighborhood.

COMMISSIONER McSWAIN indicated that it had appeared that the developers were taking advantage of the variance process. She would suggest viewing aesthetic use of open space differently than livable open space. They serve two different purposes. Aesthetic space enhances the feel of the community. She also recommended that open space be based on lot size versus amount of land.

MAYOR GOODMAN discussed with DOUG RANKIN, Council Liaison, that the one-percent art ordinance would apply to capital projects. Fees that were dedicated to another component would not be included in calculating that percentage.

COMMISSIONER EVANS concurred with COUNCILMAN WEEKLY'S comments. The sense of community was the intent of the open space. While proximity of a school or park might mitigate that need, the design innovation used by some of the sophisticated developers would also create a sense of community. The drought and turf reduction issues force the City to be even more aware of seeking pedestrian-friendly developments. He did indicate that he supported the City realizing a financial benefit for granting a variance by way of a fee in lieu of the alternative.

There was no further discussion.

(1:29 – 2:05)

**JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA**  
**SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:**  
**DECEMBER 8, 2003**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: ROBERT S. GENZER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

Report and possible action on the purpose and intent of Traffic Impact Analysis and Drainage Studies

**Fiscal Impact**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

To provide the Planning Commission and City Council with information on the content and purpose of Traffic Impact Analysis and Drainage Studies

**RECOMMENDATION:**

No recommendation

**BACKUP DOCUMENTATION:**

None

**MOTION:**

A motion was not made.

**MINUTES:**

RICHARD GOECKE, Director of Public Works, acknowledged that BART ANDERSON represents his Department well at Planning Commission and City Council. The need for a traffic study and recommendations of flood control studies is generated elsewhere within the Department. He introduced JORGE CERVANTES, Assistant Traffic Engineer, to present on traffic studies and CHARLES KAJKOWSKI, Deputy Director of Public Works and City Engineer, to present on flood control studies.

MR. CERVANTES quickly described the purpose of the traffic impact study to identify the traffic load contribution anticipated from a particular development on surrounding roadways. That determines the need for any improvements necessary to provide an acceptable level of service, what those improvements are and who will be responsible for making them. Small developments may result in small studies and large developments may result in complex, regional studies. The studies are quantitative and follow standard engineering practices. They are not intended to be qualitative or address quality of life issues, which are evaluated by Planning and Development Department staff. They are reviewed by Public Works on a technical

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER 8, 2003

Planning and Development Department

Item 5 - Report and possible action on the purpose and intent of Traffic Impact Analysis and Drainage Studies

**MINUTES - Continued:**

basis only. Special attention is given to traffic generated by commercial development on residential areas.

The study parameters are established during a meeting between Traffic Engineering and the developer. Issues usually include existing roadway conditions, lane signage, existing traffic, number of vehicle trips generated by the development, distribution of the trips on the proposed driveways and surrounding roads, capacity analysis prior to development generated traffic and capacity analysis post development generated traffic. The conclusion of the report covers necessary improvements and mitigation efforts. These efforts may include relocation of access, additions or modifications to existing surrounding roadways, construction of temporary roadways, dedicated turn lanes, median installation or modifications and even additional traffic devices as warranted. Disputed recommendations result in additional analysis. Staff applies the final technical document to the civil plans to improve surrounding roadways.

COMMISSIONER McSWAIN commented that details are critical and traffic absolutely impacts quality of life within the community. She appreciates and relies on the information provided by staff in that regard.

MR. KAJKOWSKI briefly outlined the federal regulations and the City's participation in the National Flood Insurance Program, both of which mandate drainage studies. The program does result in lower insurance premiums for Las Vegas homeowners. The Valley is mapped by the Federal Emergency Management Association (FEMA) and regulated as a flood hazard area. In 1986 or 1987, as part of the creation of the Regional Flood Control District, all developments two areas or larger were required to submit a drainage study as part of the development approval process.

These drainage studies become a two-step process with large projects. The initial, conceptual drainage study is performed on the entire site and then as individual subdivisions come into being, a more detailed drainage study is done for the specific subdivision. The more detailed study identifies the actual drainage route through the subdivision. The purpose of the studies is to meet minimum drainage design criteria and analyze the impact of the development on itself and the existing water shed, upstream and downstream flow. Lastly, staff investigates the impact on implementation of the regional and neighborhood plans.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER 8, 2003

Planning and Development Department

Item 5 - Report and possible action on the purpose and intent of Traffic Impact Analysis and Drainage Studies

**MINUTES - Continued:**

COMMISSIONER McSWAIN discussed with MR. KAJKOWSKI the cause of the recent flooding in the Northwest, the repercussions thereof and possible solutions. The Flood Control District has spent approximately \$800,000,000 to \$1,000,000,000 on flood control in the last 15 years for the entire Clark County area. There are many more projects identified in the master plan that still need to be built. Needed systems have yet to be constructed in the particular area most recently impacted. The solution is a matter of setting priorities and obtaining funds to construct the facilities. COMMISSIONER McSWAIN asked if property owners are advised of the potential risk. MR. KAJKOWSKI replied that the storm in question was larger than what has been designed for. This is a new community with little historical data on rainfall, intensity and duration. Very conservative projections would have resulted in very large, costly facilities. Not so conservative criteria could result in facilities too small to do the job. The criteria issue was carefully considered, but the recent rainstorm exceeded the criteria and some of the systems were not able to handle the volume.

MAYOR PRO TEM REESE verified with ROBERT GENZER, Director of Planning and Development Department, that this item was informational and staff was not seeking a motion.

There was no further discussion.

(2:31 – 2:44)  
**2-2290**





**JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA  
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:  
DECEMBER 8, 2003**

**CITIZENS PARTICIPATION:**

Items raised under this portion of the Special City Council and Planning Commission Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes.

**MINUTES:**

AL GALLEG0, citizen of Las Vegas, stated that there were good and bad points in putting citizens participation at the beginning of a meeting. However, the residents of Las Vegas are concerned with the number of abstentions by the members of both the City Council and Planning Commission. Part of the solution would be if the officials filled out a financial disclosure once a month just to let the citizens know why they are abstaining.

(2:44 – 2:46)

**2-2920**

MAYOR PRO TEM REESE thanked everyone for participating and stressed that the success of the meeting would indicate that it would be a good idea to hold this type of joint meeting more often.

(2:44 – 2:46)

**2-2992**

**MEETING ADJOURNED AT 2:46 P.M. BY BOTH MAYOR PRO TEM REESE and  
CHAIRMAN TRUESDELL**